

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #14	CCRB Case #: 201800627	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/01/2017 5:00 AM	Location of Incident: § 87(2)(b) 123rd and 120th Precinct stationhouses; a § 87(2)(b) § 87(2)(b)	Precinct: 123	18 Mo. SOL 3/1/2019	EO SOL 3/1/2019	
Date/Time CV Reported Tue, 01/23/2018 1:30 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 01/23/2018 1:30 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Paulette Sharov	06602	957158	120 PCT
2. POM Elio Chianetta	16230	957455	123 PCT
3. POM Frank Maglio	14181	949735	123 PCT
4. SGT Thomas Gugliucci	4940	940225	120 PCT
5. POM Edward Stafford	21966	947515	123 PCT
6. DT3 Lee Maldonado	3574	948083	WARRSEC
7. DT3 Carl Pattelli	512	944880	WARRSEC
8. DT3 Robert White	5993	942836	WARRSEC
9. DT3 Salvator Granata	195	936692	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Michael Levay	07109	945916	123 DET
2. POM Gregory Owen	16440	944138	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Lee Maldonado	Abuse: Detective Lee Maldonado entered § 87(2)(b) in Staten Island.	§ 87(2)(b)
B.DT3 Carl Pattelli	Abuse: Detective Carl Pattelli entered § 87(2)(b) in Staten Island.	§ 87(2)(b)
C.DT3 Lee Maldonado	Discourtesy: Inside § 87(2)(b) Detective Lee Maldonado spoke discourteously to § 87(2)(b)	§ 87(2)(b)
D.DT3 Lee Maldonado	Off. Language: Inside § 87(2)(b) Detective Lee Maldonado made remarks to § 87(2)(b) based upon her gender.	§ 87(2)(b)
E.DT3 Lee Maldonado	Off. Language: En route to the 123rd Precinct stationhouse, Detective Lee Maldonado made remarks to § 87(2)(b) based upon her gender.	§ 87(2)(b)
F.DT3 Carl Pattelli	Off. Language: En route to the 123rd Precinct stationhouse, Detective Carl Pattelli made remarks to § 87(2)(b) based upon her gender.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.DT3 Robert White	Off. Language: En route to the 123rd Precinct stationhouse, Detective Robert White made remarks to § 87(2)(b) based upon her gender.	
H.DT3 Salvator Granata	Off. Language: En route to the 123rd Precinct stationhouse, Detective Salvator Granata made remarks to § 87(2)(b) based upon her gender.	
I.SGT Thomas Gugliucci	Discourtesy: At the 123rd Precinct stationhouse, Sergeant Thomas Gugliucci spoke discourteously to § 87(2)(b)	
J.SGT Thomas Gugliucci	Off. Language: At the 123rd Precinct stationhouse, Sergeant Thomas Gugliucci made remarks to § 87(2)(b) based upon her gender.	
K.POM Elio Chianetta	Abuse: At § 87(2)(b) Police Officer Elio Chianetta refused to provide his name and/or shield number to § 87(2)(b)	
L.POM Frank Maglio	Abuse: At § 87(2)(b) Police Officer Frank Maglio refused to provide his name and/or shield number to § 87(2)(b)	
M.POM Edward Stafford	Discourtesy: At § 87(2)(b) Police Officer Edward Stafford spoke discourteously to § 87(2)(b)	
N.POF Paulette Sharov	Discourtesy: At the 120th Precinct stationhouse, Police Officer Paulette Sharov spoke discourteously to § 87(2)(b)	
O.POF Paulette Sharov	Off. Language: At the 120th Precinct stationhouse, Police Officer Paulette Sharov made remarks to § 87(2)(b) based upon her gender.	

### Case Summary

On January 23, 2018, § 87(2)(b) filed this complaint in-person at the CCRB on behalf of herself and her ex-husband, Brain § 87(2)(b).

On September 1, 2017, at approximately 5 a.m., Det. Lee Maldonado and Det. Carl Pattelli of the Staten Island Warrants Squad entered § 87(2)(b) in Staten Island and arrested § 87(2)(b) and § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). Det. Maldonado allegedly called § 87(2)(b) “a scumbag” and “a fucking criminal,” and told her “Go fuck yourself, you filthy cunt” (**Allegation C: Discourtesy, § 87(2)(g)**). **Allegation D: Offensive Language, § 87(2)(g)**. En route to the 123<sup>rd</sup> Precinct stationhouse, Det. Maldonado, Det. Pattelli, Det. Robert White, and Det. Salvator Granata of the Staten Island Warrants Squad allegedly called § 87(2)(b) “a filthy cunt” and “a bitch” (**Allegations E, F, G and H: Offensive Language, § 87(2)(g)**).

At the 123<sup>rd</sup> Precinct stationhouse, Sgt. Thomas Gugliucci of the 120<sup>th</sup> Precinct allegedly said to § 87(2)(b) “What does this fucking say, you fucking stupid bitch?” (**Allegation I: Discourtesy, § 87(2)(g)**). **Allegation J: Offensive Language, § 87(2)(g)**. § 87(2)(b) was subsequently transported to § 87(2)(b) via ambulance, and was accompanied by PO Elio Chinaetta and PO Frank Maglio of the 123<sup>rd</sup> Precinct, who allegedly refused to provide their names to her upon request (**Allegations K and L: Abuse of Authority, § 87(2)(g)**). En route to the 120<sup>th</sup> Precinct stationhouse with PO Edward Stafford and PO Gregory Owen of the 123<sup>rd</sup> Precinct, PO Stafford allegedly said to § 87(2)(b) “You would have been fucking home already if you did not come here” (**Allegation M: Discourtesy, § 87(2)(g)**). At the 120<sup>th</sup> Precinct stationhouse, PO Paulette Sharov of the 120<sup>th</sup> Precinct allegedly said to § 87(2)(b) “You are going to fucking sit in here all day,” (**Allegation N: Discourtesy, § 87(2)(g)**) and called her “a filthy cunt” (**Allegation O: Offensive Language, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b), respectively [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] (Board Review 18).

There is no video evidence in this case.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Lee Maldonado entered § 87(2)(b) in Staten Island.**

**Allegation (B) Abuse of Authority: Detective Carl Pattelli entered § 87(2)(b) in Staten Island.**

§ 87(2)(b) (Board Review 01) said that she and § 87(2)(b) were inside their apartment when they heard loud knocks at the door. § 87(2)(b) answered the door and approximately six plainclothed officers, none of whom § 87(2)(b) could describe, entered the apartment to arrest her and § 87(2)(b). § 87(2)(b) was in her bedroom when the officers entered and did not see how they gained entry into the apartment. § 87(2)(b) never asked the officers to leave the apartment.

§ 87(2)(b) (Board Review 02) identified the officers who arrived as being from the Staten Island Warrants Squad, but said that when he answered the door, one of the officers whom he could not describe, told him that he and § 87(2)(b) were needed at the 123<sup>rd</sup> Precinct

stationhouse regarding an assault complaint made against them. The officer instructed § 87(2)(b) and § 87(2)(b) to get dressed so they could be transported to the 123<sup>rd</sup> Precinct stationhouse. The officers remained outside of the apartment. § 87(2)(b) denied that they ever entered the apartment.

Det. Maldonado (Board Review 03), Det. Pattelli (Board Review 04), Det. White (Board Review 05), and Det. Granata (Board Review 06) all said they arrived at the location to arrest § 87(2)(b) and § 87(2)(b) for whom I-CARDS had been issued. Det. Maldonado and Det. Pattelli knocked on the front door and § 87(2)(b) answered. Det. Maldonado and Det. Pattelli identified themselves as Warrant Squad officers and asked § 87(2)(b) if they could speak with him and § 87(2)(b). § 87(2)(b) said yes, opened the front door, and invited the officers to enter, which they did. § 87(2)(b) walked Det. Pattelli and Det. Maldonado to his second floor apartment and said to the officers, “You can come in.” Det. Maldonado, Det. Pattelli, and § 87(2)(b) all entered the apartment together, while Det. White and Det. Granata remained outside the home for security reasons.

§ 87(2)(b) did not see how the officers gained entry into the apartment and at no point did she ask them to leave. § 87(2)(b) who answered the door, denied that the officers entered the apartment. The statements of Det. Maldonado, Det. Pattelli, Det. White, and Det. Granata were all consistent in that Det. Maldonado and Det. Pattelli entered the apartment with the expressed verbal consent of § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation C: Discourtesy: Inside § 87(2)(b) Detective Lee Maldonado spoke discourteously to § 87(2)(b)**

**Allegation D: Offensive Language: Inside § 87(2)(b) Detective Lee Maldonado made remarks to § 87(2)(b) based upon her gender.**

**Allegation E: Offensive Language: En route to the 123<sup>rd</sup> Precinct stationhouse, Detective Lee Maldonado made remarks to § 87(2)(b) based upon her gender.**

**Allegation F: Offensive Language: En route to the 123<sup>rd</sup> Precinct stationhouse, Detective Carl Pattelli made remarks to § 87(2)(b) based upon her gender.**

**Allegation G: Offensive Language: En route to the 123<sup>rd</sup> Precinct stationhouse, Detective Robert White made remarks to § 87(2)(b) based upon her gender.**

**Allegation H: Offensive Language: En route to the 123<sup>rd</sup> Precinct stationhouse, Detective Salvator Granata made remarks to § 87(2)(b) based upon her gender.**

§ 87(2)(b) said she tried to explain her side of the assault complaint to Det. Maldonado and Det. Pattelli, but Det. Maldonado called her “a scumbag” and “a fucking criminal,” and also said to her, “Go fuck yourself, you filthy cunt.” En route to the 123<sup>rd</sup> Precinct stationhouse Det. Maldonado, Det. Pattelli, Det. White, and Det. Granata also allegedly called § 87(2)(b) a “filthy cunt” and a “bitch” when she again tried to explain her side to the officers.

§ 87(2)(b) said the officers were very professional in their interactions with him and § 87(2)(b). The officers escorted § 87(2)(b) and § 87(2)(b) from their apartment to an unmarked van without handcuffs and even bought them food during the transport. § 87(2)(b) denied hearing any of the officers use profanity and confirmed he was present to witness all of § 87(2)(b)'s interactions with the officers up until they arrived at the stationhouse.

Det. Maldonado, Det. Pattelli, Det. White, and Det. Granata § 87(2)(g) described § 87(2)(b) and § 87(2)(b) as cooperative to the point of not needing to handcuff the civilians as they escorted them to the transport vehicle and said they bought § 87(2)(b) and § 87(2)(b) food on the way to the 123<sup>rd</sup> Precinct stationhouse. § 87(2)(b) and § 87(2)(b) were generally quiet throughout the entire incident. The officers did not recall any specific interactions with § 87(2)(b) and § 87(2)(b) either in their apartment or en route to the 123<sup>rd</sup> Precinct stationhouse. The officers all denied using profanity towards § 87(2)(b) and denied hearing any officer do so.

§ 87(2)(g)

§ 87(2)(g)

**Allegation I: Discourtesy: At the 123<sup>rd</sup> Precinct stationhouse, Sergeant Thomas Gugliucci spoke discourteously to § 87(2)(b)**

**Allegation J: Offensive Language: At the 123<sup>rd</sup> Precinct stationhouse, Sergeant Thomas Gugliucci made remarks to § 87(2)(b) based upon her gender.**

At one point during her CCRB interview, § 87(2)(b) said that at the 123<sup>rd</sup> Precinct stationhouse, she and § 87(2)(b) were brought before the desk sergeant, identified via investigation as Sgt. Thomas Gugliucci of the 120<sup>th</sup> Precinct, who in response to § 87(2)(b) asking why she was arrested, allegedly pointed at his shirt collar and said to § 87(2)(b) “What does this say, you stupid fucking bitch?” At another point during her interview, § 87(2)(b) said Sgt. Gugliucci pointed at his shirt collar and said, “What does this say?” to which § 87(2)(b) replied, “120<sup>th</sup> Precinct.” [Attempts to contact § 87(2)(b) to clarify this discrepancy were unsuccessful (see IAs for contact attempts)].

§ 87(2)(b) said that immediately upon their arrival at the stationhouse, he and § 87(2)(b) were escorted to different interview rooms on the third and ground floors of the stationhouse, respectively. He did not recall being brought to that stationhouse front desk and denied that any profanity was used against § 87(2)(b) inside the stationhouse.

Sgt. Gugliucci (Board Review 07) was assigned to the 123<sup>rd</sup> Precinct stationhouse as the desk sergeant due to personnel shortage at the stationhouse. He had no recollection of this incident, but denied that he would have made the alleged statement to § 87(2)(b).

Det. Maldonado, Det. Pattelli, Det. White, and Det. Granata all said they met Det. Michael Levay of the 123<sup>rd</sup> Precinct Detective Squad, who had issued the I-CARDS for § 87(2)(b) and § 87(2)(b) in front of the 123<sup>rd</sup> Precinct stationhouse and handed custody of § 87(2)(b) and § 87(2)(b) over to him. Det. Maldonado, Det. Pattelli, Det. White, and Det. Granata then left the stationhouse and did not witness this portion of the incident.

Det. Levay (Board Review 08) said § 87(2)(b) and § 87(2)(b) were generally quiet when they arrived at the stationhouse and that the only statements they made to him were to inform him that they had retained lawyers. Det. Levay brought them before the desk for arrest processing and then placed them in separate holding cells on the ground and third floors, respectively. Det. Levay did not witness any interaction between § 87(2)(b) and the desk sergeant, nor did he hear any officer use profanity towards § 87(2)(b) at the stationhouse.

The 123<sup>rd</sup> Precinct Command Log (Board Review 14) confirmed that Sgt. Gugliucci verified the arrests of § 87(2)(b) and § 87(2)(b) when they arrived at the stationhouse.

§ 87(2)(g)

§ 87(2)(g)

**Allegation K: At § 87(2)(b) Police Officer Elio Chianetta refused to provide his name and/or shield number to § 87(2)(b)**

**Allegation L: At § 87(2)(b) Police Officer Frank Maglio refused to provide his name and/or shield number to § 87(2)(b)**

§ 87(2)(b) said she fell ill and was transported via ambulance to § 87(2)(b). PO Chianetta and PO Maglio, identified via investigation, accompanied § 87(2)(b) to the hospital. PO Chianetta and PO Maglio allegedly stared at § 87(2)(b) while she was nude and being examined by doctors. § 87(2)(b) requested PO Maglio's and PO Chianetta's names, but they ignored her, pretended to watch a football game on TV, and never provided the requested information to § 87(2)(b).

§ 87(2)(b) was not present during this portion of the incident, but said § 87(2)(b) subsequently informed him that PO Maglio and PO Chianetta were polite and kept her company at the hospital by watching a football game on TV with her.

PO Maglio (Board Review 09) and PO Chianetta (Board Review 10) said that § 87(2)(b) spent approximately two hours at the hospital and at no point did she request their names. They both denied refusing to provide their names to § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

**Allegation M: Discourtesy: At § 87(2)(b) Police Officer Edward Stafford spoke discourteously to § 87(2)(b)**

§ 87(2)(b) said PO Maglio and PO Chianetta were eventually relieved of their hospital post by PO Stafford and PO Gregory Owen of the 123<sup>rd</sup> Precinct. PO Stafford, who was upset § 87(2)(b) was still at the hospital, allegedly said to her, "You would have been fucking home already if you did not come here. Your husband is already home."

PO Stafford (Board Review 11) and PO Owen (Board Review 12) both had no independent recollection of this incident. PO Owen's memo book notes that he and PO Stafford picked § 87(2)(b) up from the hospital and transported her to the 120<sup>th</sup> Precinct stationhouse (Board Review 13). PO Stafford denied making the alleged discourteous statement to § 87(2)(b) and PO Owen denied hearing PO Stafford do so.

PO Maglio and PO Chianetta said PO Stafford and PO Owen met them and § 87(2)(b) in front of the hospital, after she had been discharged, and that they transported her to the 120<sup>th</sup> Precinct stationhouse. PO Maglio and PO Chianetta denied that PO Stafford and PO Owen ever entered the hospital. They did not hear PO Stafford use any profanity towards § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

**Allegation N: Discourtesy: At the 120<sup>th</sup> Precinct stationhouse, Police Officer Paulette Sharov spoke discourteously towards § 87(2)(b)**

**Allegation O: Offensive Language: At the 120<sup>th</sup> Precinct stationhouse, Police Officer Paulette Sharov made remarks to § 87(2)(b) based upon her gender.**

§ 87(2)(b) said that upon arrival at the 120<sup>th</sup> Precinct stationhouse, she was lodged alone in a female holding cell. The cell attendant, identified via investigation as PO Sharov, asked § 87(2)(b) to flush the toilet in her cell because it gave off a bad odor. § 87(2)(b) refused. PO Sharov allegedly said to her, “You are going to fucking sit in there all day and smell it.” PO Sharov also allegedly said, “Shut up you filthy cunt.” However, § 87(2)(b) said she had been quiet while lodged in the cell.

PO Sharov (Board Review 15) had no recollection of this incident, but denied that she would have made the alleged statement to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to four CCRB complaints and has been a named victim in six allegations (Board Review 16):
  - § 87(2)(b)
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- Det. Maldonado has been a member-of-service for nine years and has been a subject in five CCRB complaints and 23 allegations, none of which were substantiated. § 87(2)(g)
- Det. Pattelli has been a member-of-service for 10 years and has been a subject in four CCRB complaints and six allegations, of which three were substantiated:
  - Case #2014009378 involved substantiated allegations of a strip search, vehicle stop, and a frisk of a person against Det. Pattelli. The Board recommended Command Discipline B and the NYPD imposed Formalized Training.
- Det. White has been a member-of-service for 11 years and has been a subject in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- Det. Granata has been a member-of-service for 13 years and has been a subject in seven complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Gugliucci has been a member-of service for 12 years and has been a subject in four CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

- PO Chianetta has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Maglio has been a member-of-service for seven years and this the first CCRB complaint to which he has been a subject.
- PO Stafford has been a member-of-service for nine years and this is the first CCRB complaint to which he has been a subject.
- PO Sharov has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.

**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of March 16, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 17).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED].

Squad No.: \_\_\_\_\_

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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